

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Malik McCray

Case No. Case: 2:24-mj-30207
Assigned To : Unassigned
Assign. Date : 5/30/2024
Description: COMP USA V. SEALED
MATTER (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922 (g)(1)
18 U.S.C § 922(o)

Felon in possession of a firearm and/or ammunition.
Possession of a machine gun.

This criminal complaint is based on these facts:

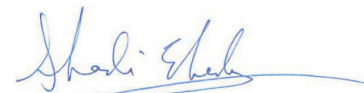
See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 30, 2024

City and state: Detroit, Michigan



Complainant's signature

Shadi Elreda, Special Agent-HSI

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Shadi G. Elreda, being first duly sworn, hereby depose and state as follows:

EXECUTIVE SUMMARY

1. On May 18, 2024, DHL shipment with assigned Airway Bill number 83-5091-0304 was targeted by the United States Customs and Border Protection (CBP) National Targeting Center (NTC). The shipment was manifested as “Hardware Accessories” and had a declared value of four dollars. The shipment was inspected and was found to contain one (1) Glock conversion device, a firearm as defined under the National Firearms Act (NFA), 26 U.S. C. § 5845(a)–(b). The package originated in Hong Kong and was destined to Cedric Smith at the XXXXX Collingham Drive, Detroit, MI. Based upon the above, probable cause exists that Malik ROSHAWN MCCRAY violated 18 U.S.C. § 922(g)(1), felon in possession of a firearm and/or ammunition, and 18 U.S.C. § 922(o), possession of a machine gun.

INTRODUCTION AND AGENT BACKGROUND

2. I am a Special Agent (“SA”) with Homeland Security Investigations (HSI), United States Department of Homeland Security, and have been so employed since May 2018. I am currently assigned to the HSI Detroit office, National Security Global Trade Group and investigate violations of U.S Law

involving illegal exports of U.S. commodities/Technology, importation violations contrary to law and other federal offenses.

3. I am a graduate of the Federal Law Enforcement Training Center (FLETC) at Glynnco, Georgia and Artesia, NM. At FLETC, I was trained in, among other things, criminal investigative techniques, and Counter Proliferation investigations. Prior to being a Special Agent with HSI, I was employed by the United States Federal Air Marshal Service (“FAMS”) as a Federal Air Marshal (FAM) from December 2010 to May 2018. As a Federal Air Marshal, I worked in numerous law enforcement capacities to include serving as a Task Force Officer (TFO) with the Federal Bureau of Investigation Joint Terrorism Task Force (JTTF) where I investigated terrorism related crimes from February 2016 to May 2018. Prior to being with the FAMS, I graduated from the South Carolina Criminal Justice Academy and served as a Patrol Officer with the Myrtle Beach Police Department (“MBPD”) from November 2008 to December 2010.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from witnesses, other special agents, law enforcement officers, documents, government databases, and open-source databases. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth all of my knowledge about this matter.

BACKGROUND ON THE NATIONAL FIREARMS ACT (NFA)
AND NFA WEAPONS

5. Firearms defined under the National Firearms Act (NFA) require registration in the National Firearms Registration and Transfer Record (NFRTR). In addition, persons, and entities manufacturing, importing, or dealing in NFA Weapons are subjected to the payment of a Special Occupational Tax (SOT).

6. A machinegun is a firearm under the National Firearms Act (NFA), 26 U.S.C. § 5845(a). A machinegun is defined, in pertinent part, as “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” 26 U.S.C. § 5845(b).

7. A Glock conversion device—commonly referred to as “Glock Switch” or “Glock Auto Sear”—is a part, or combination of parts, designed and intended for use in converting a semiautomatic Glock pistol into a machinegun; therefore, it is also “machinegun” under the NFA.

8. Pursuant to ATF rulings and regulations, “Glock Switches” in and of themselves have been classified as machineguns pursuant to the definition appearing in 26 U.S.C. § 5845(b).

9. The Gun Control Act, 18 U.S.C. § 922(o), prohibits the transfer or possession of a machinegun manufactured after May 19, 1986. ATF is not aware of any Glock conversion devices that were developed before May 19, 1986. As such, Glock conversion devices are considered post-1986 machineguns. Therefore, they may only be lawfully possessed by properly licensed Federal Firearms licensees

who have paid the appropriate Special Occupational Tax required of those manufacturing, importing, or dealing in NFA Weapons under the authority of the United States and any department or agency thereof or a State or a department, agency, or political subdivision thereof.

PROBABLE CAUSE

10. On May 18, 2024, DHL Airway Bill Number (AWB) 83-5091-0304 was targeted by the United States Customs and Border Protection (CBP) National Targeting Center (NTC). According to CBP, on May 21, 2024, while conducting inbound exams at the Cincinnati Northern Kentucky International Airport, DHL North American Hub, located at 236 Wendell H. Ford Blvd, Erlanger, KY 41018, the United States Customs and Border Protection examined targeted DHL AWB #83-5091-0304. The shipment description was manifested as “Hardware Accessories” and the declared value was four dollars.

11. The shipper of the package was listed as CHUNSHUENG INTERNATIONAL INDUSTRIAL CO, LIMITED, MR. YAO, Flat/RM 1512 15/F LUCKY CENTRE NO, 165-171 WAN CHAI HK, 0 HK, HONG KONG SAR, CHINA. The Consignee listed on the parcel was Cedric Smith, XXXXX Collingham Dr, Detroit, MI 48205. Upon examination of the parcel, (1) one Glock Switch was discovered.

12. On May 21, 2024, the (1) one Glock Switch was seized by CBP under 19 U.S.C § 1595a(c)(2)(b), 18 U.S.C § 981(a)(1)(A), 18 U.S.C § 1956(c)(7)(D)

and 18 U.S.C § 924(n). The (1) one Glock Switch was seized on DHS form 6051S and placed in evidence bag seal #A8986623. The seizure was completed at approximately 1121 hours.

13. On May 21, 2024, HSI Detroit was notified of the seizure and your AFFIANT notified CBP that HSI Detroit would be accepting the seizure for a possible controlled delivery. On May 21, 2024, the seized item was sent via DHL from Kentucky to HSI Detroit. HSI Detroit took possession of the seized Glock Switch on May 22, 2024.

14. An HSI Criminal Analyst and your AFFIANT conducted queries in Accurint and did not find an association between XXXXX Collingham Drive, Detroit, MI, and a Cedric Smith.

15. Furthermore, a database regularly used by the Postal Inspection Service (USPIS) and that has been found to provide accurate and reliable information for persons or businesses legitimately associated with an address used by USPIS, revealed that there is not a Cedric Smith associated with the receiving address XXXXX Collingham Drive, Detroit, MI.

16. On May 21, 2024, I submitted a photograph of the seized Glock conversion device to the ATF. On the same date, ATF Special Agent Kenton Weston reviewed this photograph. In addition to basic ATF training, SA Weston is a graduate of a specialized course on privately made firearms and machinegun conversion devices (PMF/MCD). SA Weston has provided instruction to Detroit

Police Officers, ATF Special Agents, sheriff deputies, state troopers, and Task Force Officers on the identification of PMFs and MCDs. SA Weston has experience in the investigation, seizure, and examinations of dozens of PMFs and MCDs. After viewing the image, SA Weston confirmed that the device appeared to be a machinegun conversion device (MCD), colloquially referred to as a “Glock Switch”. Per SA Weston, an individual can affix an MCD to a Glock-style pistol to make the pistol shoot automatically and function as a machinegun. The MCD is a small device that replaces the back plate and typically protrudes from the back of the slide on a Glock-style pistol. When installed, the device applies pressure to the trigger bar and disables the firearms ability to limit one round of ammunition to be fired per trigger pull. A machinegun is a firearm under the National Firearms Act (NFA), 26 U.S.C. § 5845(a). A machinegun is defined, in pertinent part, as “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun”, 26 U.S.C. § 5845(b). An MCD is a part, or combination of parts, designed and intended for use in converting a semiautomatic Glock-style pistol into a machinegun; therefore, it by itself, is a “machinegun.” Possession of this suspected MCD may be a violation of 18 U.S.C. § 922 (o) (illegal possession of a machinegun).

17. On May 29, 2024, your affiant obtained a federal anticipatory search for XXXXX Collingham Drive, Detroit, MI, for violations of 18 U.S.C 922(o),

unlawful possession or transfer of a machine gun, 18 U.S.C. 922(g), Felon in possession of a firearm and 26 U.S.C. 5844, Illegal importation of a NFA weapon.

18. On May 29, 2024, HSI Detroit replaced the Glock switch with sham content and conducted a controlled delivery of the subject parcel at XXXXX Collingham Drive, Detroit, MI. HSI Detroit observed MCCRAY retrieve the parcel from the front door and take it inside XXXXX Collingham Drive, Detroit, MI. Based on the GPS tracker and tripwire installed in the parcel, HSI Detroit was notified that the parcel had been opened. Subsequently after, HSI Detroit executed the federal search warrant at the XXXXX Collingham Drive, Detroit, MI.

19. Following the execution of the search warrant and after being read his Miranda rights, MCCRAY consented to be interviewed by HSI Detroit.

20. MCCRAY stated that he found the Glock Switch by going on YouTube and was able to make contact with an individual who was selling said Glock Switches via Telegram. He also stated that he paid this individual approximately \$150.00 through Cash app and provided his address for the shipment. MCCRAY further stated that he did not know who Cedric Smith was and that it was the seller who put that name on the package. MCCRAY indicated that he was aware of what a Glock Switch “does” and how dangerous they were.

21. During the interview, your affiant asked MCCRAY if there were any guns in the house. MCCRAY stated that there was a Glock 27 inside of a bucket in a closet. According to MCCRAY, the Glock 27 belonged to and was registered to

his brother who lives nearby. During a search of the residence, agents discovered a Glock 27 inside of a what appeared to be bucket that was in a closet at XXXXX Collingham Drive, Detroit, MI. The serial number was queried through a law enforcement database and this query showed that this Glock 27 was not registered. Furthermore, MCCRAY stated that he had \$8,000 in an envelope that he doesn't keep in the bank. An envelope with \$8,000 was found in the same bucket that the gun was found in.

22. During a full search of the residence, agents found 96 rounds of 9mm ammunition, 11 rounds of .40 caliber ammunition, one (1) 9mm Glock magazine, 4 spent .40 caliber casings and 2 spent 9mm casings.

23. ATF Special Agent Kara Klupacs was on scene of the search warrant and confirmed that the Glock 27 recovered from XXXXX Collingham Drive, Detroit, MI was manufactured outside of Michigan and thus traveled in interstate commerce.

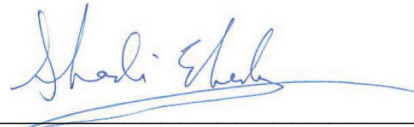
24. HSI Detroit conducted a criminal history query and discovered that Malik Roshawn MCCRAY has two (2) prior felony convictions from 2017 and 2022 for weapons violations out of Wayne County, MI. HSI Detroit further discovered that MCCRAY has a 2015 arrest and acquittal for Assault with Intent to Murder (AWIM).

25. Your affiant conducted a query through the Michigan Department of Corrections website and discovered that MCCRAY is currently on probation. On

the same date, your affiant received MCCRAY's probation conditions summary from the MDOC. Your affiant reviewed this summary and discovered that MCCRAY's listed address was the TARGET PREMISES.

26. Based upon the above, probable cause exists that Malik ROSHAWN MCCRAY violated 18 U.S.C. § 922(g)(1), felon in possession of a firearm and/or ammunition, and 18 U.S.C. § 922(o), possession of a machine gun.

Respectfully submitted,



Shadi G. Elreda, Special Agent
Homeland Security Investigations

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Hon. Kimberly G. Altman
United States Magistrate Judge

Date: May 30, 2024